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1900 MARKET STREET PHILADELPHIA, PA 19103-3508 215.665.2000 800.523.2900 215.665.2013 FAX www.cozen.com

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

August 12, 2008

**VIA FEDERAL EXPRESS**

**Philip G. Kircher**  
Direct Phone 215.665.7233  
Direct Fax 215.701.2033  
pkircher@cozen.com

The Honorable Robert B. Collings  
United States Magistrate Judge  
United States District Court  
for the District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

Re: *New England Carpenters Health Benefits Fund, et al. v. FirstData Bank, Inc., et al.*  
Civil Action No. 1:05-CV-11148-PBS

Dear Judge Collings:

On behalf of *amicus curiae* National Association of Chain Drug Stores, Inc. ("NACDS"), we write to advise the court that NACDS opposes Plaintiffs' Motion for Clarification of the Court's July 17 Memorandum and Order on Motion to Compel Production of McKesson's RelayHealth Data.

First, we reassert all the arguments in our *amicus* brief, including that RelayHealth is contractually obliged to protect the confidential data it maintains on behalf of the pharmacies with whom it contracts, as well as that non-party pharmacies may be harmed if their identified data is released.

Second, we concur in McKesson's arguments, in opposition to the Plaintiffs' motion, that reconsideration of the July 17 Order is inappropriate and that the solution proposed by Plaintiffs eliminates the protection from disclosure of pharmacy identities provided for by the Court's Order. Indeed, Plaintiffs are seeking "re-identification" of pharmacies, which is outside the scope of the Court's Order.

Therefore, we ask the Court to deny Plaintiffs' motion and to maintain its July 17 Order permitting McKesson to "redact the identity of pharmacies" from its production.

The Honorable Robert B. Collings

August 12, 2008

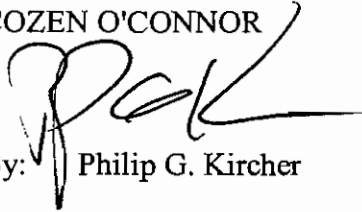
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We have supplied the clerk of the Court, by overnight delivery, with a copy of this letter for filing.

Respectfully,

COZEN O'CONNOR

By:  Philip G. Kircher

PGK:ec

cc: Paul Flum, Esquire (via FedEx)  
Jennifer Fountain Connolly, Esquire (via FedEx)